

IN THE COURT OF A.D.J.-IV, JAMUI

Probate Case No. 03/2019

18.07.2023

Pairvi filed on behalf of both sides. Heard both sides on petition dated 13.01.2023 filed on behalf of O.P.

Learned counsel for the O.P. submitted that a Title Suit is going on between the parties vide Title Suit No. 71/2016 for the same land which is the subject matter of the present Probate Case. He submitted that Title Suit No. 71/2016 is pending in the court of Sub Judge-II, Jamui. Hence prayed to stay the proceeding of the present Probate Case.

On the other hand learned counsel for petitioner submitted that there is no provision of law to stay the proceedings of the Probate Case in case of pendency of Title Suit in respect of the same land. Hence prayed to dismiss the petition dated 13.01.2023.

Having heard the submission of the parties and from perusal of petition dated 13.01.2023 and its rejoinder dated 18.03.2023 as well as from perusal of record, it is apparent that it is a Probate Case and the matter in dispute is genuineness of will. The present proceeding has got no connection with the title of the land in question. Hence the petition dated 13.01.2023 is hereby dismissed.

Put up on 28.07.2023 for framing of issues.

Dictated
Sd/- D.B. Singh
A.D.J-IV, Jamui